

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

GMAC REAL ESTATE, LLC, a Delaware
Limited Liability Company,

Plaintiff,

v.

BLAKE REALTY, LLC, a Wisconsin Limited
Liability Company, and **RYAN BLAKE**,
an individual.

Defendants.

CASE No. 08 C 987

**Presiding Judge Anderson
Magistrate Judge Keys**

PETITION FOR RULE TO SHOW CAUSE

NOW COMES, the Plaintiff, **GMAC REAL ESTATE, LLC**, a Delaware Limited Liability Company, (“PLAINTIFF”), by and through its attorneys, FUCHS & ROSELLI, LTD., and for its *Petition for Rule to Show Cause* against Blake Realty, LLC, and Ryan Blake (collectively “DEFENDANTS”) states as follows:

1. PLAINTIFF filed its Verified Complaint for Injunctive and Other Relief on February 18, 2008.
2. On March 5, 2008, DEFENDANTS were served with summons. (See affidavit of Service, attached as Exhibit A).
3. On April 10, 2008, this Court issued a Preliminary and Permanent Injunction against DEFENDANTS. (A true and correct copy of the April 10, 2008, order is attached hereto and incorporated herein as Exhibit B).
4. Pursuant to this Court’s order, DEFENDANTS were to:

Within seven (7) days of this ORDER, DEFENDANTS are to surrender to PLAINTIFF or destroy all items in their possession, custody or control that bear PLAINTIFF'S MARKS, including but not limited to yard signs, letterheads, advertising and marketing materials, business cards, manuals, training materials, client promotion materials and the like;

(Exhibit B, ¶2(2)).

5. DEFENDANTS were served with copies of this ORDER on May 8, 2008. (See Affidavit of Service, attached as Exhibit C).

6. Despite this Court's ORDER, DEFENDANTS continue to infringe upon PLAINTIFF'S MARKS. (See photographs attached as Exhibit D).

6. Pursuant to this Court's order, DEFENDANTS were ordered to:

[A]ccount for any and all revenue derived as a result of marketing, selling, or promoting its real estate services through and with PLAINTIFF'S MARKS.

(Exhibit B, ¶2(4)).

7. To date, DEFENDANTS have failed to provide an accounting of any and all revenue derived from the use of PLAINTIFF'S MARKS.

8. This Court retains jurisdiction to enforce the provisions of its order.

(Exhibit B, ¶4).

WHEREFORE, the Plaintiff, GMAC Real Estate, LLC, respectfully requests entry of a Rule to Show Cause against Defendants, Blake Realty, LLC, and Ryan Blake, as to why they should not be held in contempt of court for their willful and contumacious failure to respond to abide by this Court's order and grant such other further relief that this Court deem fair and proper.

Respectfully submitted,

GMAC REAL ESTATE, LLC, Plaintiff

By: \s\ Daniel E. Wiesch
One of Its Attorneys

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VERIFICATION BY CERTIFICATION

I, Jim Toulon, being of full age and duly sworn, upon oath, deposes and states:

1. I am Chief Operating Officer and Executive Vice President for GMAC Real Estate, LLC and have personal knowledge of the facts alleged herein and am duly authorized to so represent and am prepared to testify to them if called as a witness.

2. I have read the foregoing Petition for Rule to Show Cause and the allegations contained therein. Except as to those allegations alleged to be on information and belief, which I believe to be true, all of the allegations in this Petition for Rule to Show Cause are true based upon my personal knowledge, Plaintiff's records and information available through Plaintiff's employees.

By:

JIM TOULON, as Chief Operating Officer and
Executive Vice President for GMAC REAL
ESTATE, LLC